



193802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2015	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

1       **Senate Substitute for Amendment (133542) (with title**  
2 **amendment)**

3  
4       Delete everything after the enacting clause  
5 and insert:

6       Section 1. Section 330.60, Florida Statutes, is created to  
7 read:

8       330.60 Unmanned aerial systems.—

9       (1) SHORT TITLE.—This act may be cited as the “Florida  
10 Privacy Act.”



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11       (2) DEFINITIONS.—As used in this section, the term:  
12       (a) "Conduct surveillance" means the willful act of  
13 monitoring, tracking, or following that intrudes upon the  
14 solitude or seclusion of a person or a person's property, where  
15 the intrusion is the primary intent and effect of the act and is  
16 not incident to an otherwise lawful use.  
17       (b) "Drone" has the same meaning as provided in s. 934.50.  
18       (c) "Image" means any capturing of sound waves; thermal,  
19 infrared, ultraviolet, or visible light; or other  
20 electromagnetic waves or odor or other conditions existing on or  
21 about real property in this state or of an individual located on  
22 that property.  
23       (3) LAWFUL USES.—It is lawful to capture an image using a  
24 drone in this state:  
25       (a) For purposes of professional or scholarly research and  
26 development by a person acting on behalf of a college or  
27 university, as defined in s. 1005.02, including a person who is:  
28       1. A professor, employee, or student of the college or  
29 university; or  
30       2. Under contract with or otherwise acting under the  
31 direction or on behalf of the college or university;  
32       (b) In airspace designated as a test site or range  
33 authorized by the Federal Aviation Administration for the  
34 purpose of integrating drone systems into the national airspace;  
35       (c) As part of an operation, an exercise, or a mission of  
36 any branch of the United States military;  
37       (d) For the purpose of mapping by a satellite or by a drone  
38 operating as a commercial service authorized by the Federal  
39 Aviation Administration or under regulation adopted by the



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40 administration for commercial use;  
41 (e) If the image is captured by or for an electric or  
42 natural gas utility for:  
43 1. Operating and maintaining utility facilities, including  
44 facilities used in the generation, transmission, or distribution  
45 of electricity, gas, or water for the purpose of ensuring  
46 utility system reliability and integrity;  
47 2. Inspecting utility facilities to determine repair,  
48 maintenance, or replacement needs during and after construction  
49 of such facilities;  
50 3. Assessing vegetation growth for the purpose of  
51 maintaining clearances on utility easements or rights-of-way;  
52 4. Utility facility routing, siting, or permitting for the  
53 purpose of constructing utility facilities or providing utility  
54 service;  
55 5. Inspecting utility facilities to determine construction,  
56 repair, maintenance, or replacement needs before, during, and  
57 after construction of such facilities; or  
58 6. Conducting environmental monitoring, as provided by  
59 federal, state, or local law, rule, or permit;  
60 (f) With the consent of the individual who owns or lawfully  
61 occupies the real property captured in the image;  
62 (g) If the image is captured by a law enforcement agency in  
63 compliance with s. 934.50(4);  
64 (h) If the image is captured by state or local law  
65 enforcement authorities, or a person who is under contract with  
66 or otherwise acting under the direction or on behalf of such  
67 authorities, for the purpose of:  
68 1. Surveying the scene of a catastrophe or other damage to



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69 determine whether a state of emergency should be declared;  
70 before, during, and after manmade or natural disasters; or in  
71 exercises with local, state, or federal organizations that have  
72 emergency management roles and missions;

73 2. Preserving public safety, protecting property, or  
74 surveying damage or contamination during a lawfully declared  
75 state of emergency; or

76 3. Conducting routine air quality sampling and monitoring,  
77 as provided by state or local law;

78 (i) At the scene of a spill, or a suspected spill, of  
79 hazardous materials;

80 (j) For the purpose of fire suppression;

81 (k) For the purpose of rescuing a person whose life or  
82 well-being is in imminent danger;

83 (l) If the image is captured by a real estate broker  
84 licensed in this state in connection with the marketing, sale,  
85 or financing of real property, provided that no individual is  
86 identifiable in the image;

87 (m) Of real property or a person on real property that is  
88 within 25 miles of the United States border;

89 (n) From a height of no more than 8 feet above ground level  
90 in a public place, if the image was captured without using any  
91 electronic, mechanical, or other means to amplify the image  
92 beyond normal human perception;

93 (o) Of public real property or a person on such property;

94 (p) If the image is captured by the owner or operator of an  
95 oil, gas, water, or other pipeline for the purpose of  
96 inspecting, maintaining, or repairing the pipeline or other  
97 related facility, provided that the image is captured without



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98 the intent to conduct surveillance on an individual or real  
99 property located in this state;

100 (q) In connection with oil pipeline safety and rig  
101 protection;

102 (r) In connection with port authority surveillance and  
103 security;

104 (s) If the image is captured in connection with a claim  
105 handling or underwriting practice or procedure of a Florida  
106 licensed insurer, an eligible surplus lines insurer, an  
107 accredited reinsurer, or a joint underwriting association;

108 (t) If the image is captured by the owner or developer of  
109 real property in connection with the development, marketing,  
110 sale, or financing of such real property, provided that no  
111 individual is identifiable in the image;

112 (u) For any other lawful commercial use by a commercial  
113 entity; or

114 (v) As a part of a commercial drone service that is lawful  
115 and permitted under federal law or with authorization from the  
116 Federal Aviation Administration.

117 (4) ILLEGAL USE OF DRONE TO CAPTURE IMAGE.—Except as  
118 provided in subsection (3), a person may not use a drone to  
119 capture an image of an individual or privately owned real  
120 property in this state with the intent to conduct surveillance  
121 on the individual or property captured in the image.

122 (5) POSSESSION, DISCLOSURE, DISPLAY, DISTRIBUTION, OR USE  
123 OF IMAGE.—A person may not:

124 (a) Capture an image in violation of subsection (4);  
125 and

126 (b) Possess, disclose, display, distribute, or otherwise



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127 use that image.

128 (6) ILLEGALLY OR INCIDENTALLY CAPTURED IMAGES NOT SUBJECT  
129 TO DISCLOSURE.—

130 (a) Except as otherwise provided in paragraph (b), an image  
131 captured in violation of subsection (4), or an image captured by  
132 a drone which was incidental to the lawful capturing of an  
133 image:

134 1. May not be used as evidence in any criminal or juvenile  
135 proceeding, civil action, or administrative proceeding; and

136 2. Is not subject to discovery, subpoena, or other means of  
137 legal compulsion for its release.

138 (b) An image described in paragraph (a) may be disclosed  
139 and used as evidence in a prosecution for any violation of this  
140 section and is subject to discovery, subpoena, or other means of  
141 legal compulsion for that purpose.

142 (7) APPLICABILITY.—This section does not apply to the  
143 manufacture, assembly, distribution, or sale of a drone.

144 (8) REPORT.—The Department of Transportation is directed to  
145 review potential impacts on public safety originating from  
146 commercial applications of unmanned aerial systems. The  
147 department, in coordination with the Office of Insurance  
148 Regulation, is directed to make recommendations addressing the  
149 appropriate amount of liability insurance to be carried by  
150 operators of unmanned aerial systems used in commercial  
151 applications in this state. The department shall submit a report  
152 to the Governor, the President of the Senate, and the Speaker of  
153 the House of Representatives by January 1, 2016, outlining the  
154 department's and the office's recommendations.

155 Section 2. Section 330.60, Florida Statutes, as created by



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156 this act, applies only to images captured on or after October 1,  
157 2015.

158 Section 3. If any provision of this act or its application  
159 to any person or circumstance is held invalid, the invalidity  
160 does not affect other provisions or applications of the act  
161 which can be given effect without the invalid provision or  
162 application, and to this end the provisions of this act are  
163 severable.

164 Section 4. This act shall take effect October 1, 2015.

165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete everything before the enacting clause  
168 and insert:

169 A bill to be entitled  
170 An act relating to drone privacy; creating s. 330.60,  
171 F.S.; providing a short title; defining terms;  
172 specifying situations in or purposes for which it is  
173 lawful to capture an image with a drone; prohibiting  
174 the use of a drone to capture an image of an  
175 individual or privately owned real property in certain  
176 circumstances; prohibiting the possession, disclosure,  
177 display, distribution, or use of such illegally  
178 captured images; providing exceptions; providing  
179 applicability; requiring the Department of  
180 Transportation to review the potential impact on  
181 public safety from commercial applications of unmanned  
182 aerial systems and submit a report, in coordination  
183 with the Office of Insurance Regulation, to the  
184 Governor and the Legislature by a certain date;



185 specifying that this act only applies to images  
186 captured after a specified date; providing  
187 severability; providing an effective date.